

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DEXTER WELCH,

Plaintiff,

v.

UNITED NETWORK FOR ORGAN
SHARING and VANDERBILT
UNIVERSITY MEDICAL CENTER,

Defendants.

Case No: 3:24-cv-00422

Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Barbara D. Holmes

JURY DEMAND

**DEFENDANT UNITED NETWORK FOR ORGAN SHARING’S UNOPPOSED
MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Defendant United Network for Organ Sharing (“UNOS”) respectfully moves the Court to grant UNOS permission to exceed the five (5) page limitation stated in Local Rule 7.01(a)(4) with respect to the reply brief it will file in support of UNOS’s Motion to Dismiss Plaintiff’s Complaint (Doc. 21). Specifically, UNOS seeks an expansion of Local Rule 7.01(a)(4)’s page limitation to permit the filing of a reply of up to ten (10) pages (exclusive of case, caption, signature line, and certificate of service as provided by Local Rule 7.03(a)). In support of this Motion, UNOS states as follows.

In 1984, Congress passed the National Organ Transplant Act (“NOTA”), creating the OPTN, an entity tasked with maintaining a national registry for organ matching. Since that time, UNOS—a private, nonprofit corporation—has operated as the implementing arm of the OPTN under a federal contract, as required by the NOTA. In its role as the implementing arm of the OPTN, UNOS manages the national transplant waitlist, matching donors to recipients 24 hours a

day, 365 days a year. Plaintiff Dexter Welch contends that UNOS discriminated against him by encouraging transplant hospitals, including co-defendant Vanderbilt University Medical Center (“Vanderbilt”), to use a race-conscious methodology to determine a metric that measures a patient’s kidney function. Plaintiff alleges that Vanderbilt’s use of the race-conscious metric delayed his eligibility to receive a kidney transplant.

Plaintiff brought two claims against UNOS: (1) violation of Title VI of the Civil Rights Act of 1964, and (2) violation of section 4-21-501 of the Tennessee Human Rights Act (“THRA”). UNOS moved to dismiss both claims pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure because (1) Plaintiff has failed to allege that UNOS receives “Federal financial assistance” as required to state a Title VI claim; (2) the Complaint does not contain sufficient factual allegations to state a claim for intentional discrimination under Title VI or THRA against UNOS; (3) both of Plaintiff’s claims are time-barred, and (4) Plaintiff lacks standing to pursue his request for injunctive relief.

On June 24, 2024, Plaintiff responded to UNOS’s Motion (Doc. 33). Plaintiff’s response brief addresses four substantive arguments and includes citation to case law and new factual references that require additional space to meaningfully address. *Id.* UNOS’s counsel appreciates the Court’s expectation for brevity in replies and will endeavor to file a reply that is as concise as possible. However, given the number of issues that are the subject of UNOS’s Motion to Dismiss, and in order to adequately respond to Plaintiff’s arguments, UNOS respectfully submits that it will likely need up to ten pages for the reply. Pursuant to Local Rule 7.01(a), UNOS’s counsel conferred with all other counsel, who have indicated that they do not oppose the relief sought herein.

WHEREFORE, Defendant UNOS respectfully requests that the Court grant this Motion.

Dated: June 27, 2024

Respectfully submitted,

/s/ George H. Cate, III

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CERTIFICATE OF SERVICE

I hereby certify that, on June 27, 2024, a true and exact copy of the foregoing Defendant United Network for Organ Sharing's Unopposed Motion to Permission to Exceed Page Limit was served on the following counsel via the Court's CM/ECF system:

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